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The Hon. James P. Donohue
Chief Magistrate Judge

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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

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15 Daniel Ramirez Medina,
16 Petitioner,
17 v.
18 U.S. DEPARTMENT OF HOMELAND
19 SECURITY; JOHN KELLY, Secretary of
20 Homeland Security; NATHALIE ASHER,
21 Director of the Seattle Field Office of U.S.
22 Immigration and Customs Enforcement,
23 Respondents.

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CASE NO. 2:17-CV-00218-RSM-JPD

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**DECLARATION OF JESSE S.
GABRIEL IN SUPPORT OF
PETITIONER'S RESPONSE BRIEF RE:
COURT'S FEBRUARY 14, 2017, ORDER
DIRECTING SERVICE, SETTING
STATUS CONFERENCE, AND
SETTING BRIEFING SCHEDULE**

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1 I, Jesse S. Gabriel, declare as follows:

- 2 1. I am an attorney admitted to practice law *pro hac vice* before this Court. I am an associate at
3 the law firm of Gibson, Dunn & Crutcher, and I am one of the attorneys responsible for the
4 representation of Daniel Ramirez Medina (“Mr. Ramirez”) in the above-captioned action. I
5 submit this declaration in support of Mr. Ramirez’s Response to the Respondent’s Brief re:
6 Court’s February 14, 2017, Order Directing Service, Setting Status Conference, and Setting
7 Briefing Schedule. The following facts are within my personal knowledge and, if called and
8 sworn as a witness, I would testify competently to these facts.
- 9 2. Attached hereto as Exhibit A is a true and correct copy of a tweet from KOMO News entitled
10 “ICE Statement: Arrest of Daniel Ramirez-Medina,” accessed on February 16, 2017 at
11 <https://twitter.com/komonews/status/831705954584453121/photo/1>.
- 12 3. Attached hereto as Exhibit B is a true and correct copy of an article from Reuters entitled
13 “Mexican ‘DREAMer’ nabbed in immigrant crackdown,” accessed on February 16, 2017
14 from Westlaw.
- 15 4. Attached hereto as Exhibit C is a true and correct copy of the transcript from “The First 100
16 Days,” which aired on February 15, 2017. This was accessed on February 16, 2017 at
17 <http://www.foxnews.com/transcript/2017/02/15/chaffetz-want-inspector-general-to-investigate-leaks-attorney-for-arrested/>.
- 18 5. Attached hereto as Exhibit D is a true and correct copy of the CBS News article entitled
19 “‘DREAMer’ protected under Obama detained in Seattle area, accessed on February 16, 2017
20 at <http://www.cbsnews.com/news/daniel-ramirez-medina-dreamer-protected-under-obama-detained-in-seattle/>.
- 21 6. Attached hereto as Exhibit E is a true and correct copy of “DHS Statement on Arrest of Alien
22 Gang Member in Washington,” accessed on February 16, 2017 at
23 <https://www.dhs.gov/news/2017/02/15/dhs-statement-arrest-admitted-alien-gang-member-washington>.

1 I declare under penalty of perjury under the laws of the United States and the State of
2 Washington that the foregoing is true and correct, and that I executed this Declaration on February
3 16, 2017 in Los Angeles, California.

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5 /s/ _____

Jesse S. Gabriel

6 Jesse S. Gabriel

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Exhibit A

Sent: Tuesday, February 14, 2017 5:41 PM
Subject: ICE Statement: Arrest of Daniel Ramirez-Medina

The following information can be attributed to me - Rose Richeson, U.S. Immigration and Customs Enforcement spokesperson:

"Mr. Ramirez—a self-admitted gang member—was encountered at a residence in Des Moines, Washington, during an operation targeting a prior-deported felon. He was arrested Feb. 10 by U.S. Immigration and Customs Enforcement and transferred to the Northwest Detention Center to await the outcome of removal proceedings before an immigration judge with the Department of Justice's Executive Office for Immigration Review.

ICE officers took Mr. Ramirez into custody based on his admitted gang affiliation and risk to public safety."



KOMO News @komonews Feb 14

Statements #KOMONews has received from ICE, and counsel for Daniel Ramirez Medina, in regards to his arrest:
pic.twitter.com/AugPKK1Mum

Exhibit B

NewsRoom

2/14/17 Reuters U.S. Top News 22:38:54

Reuters US Top News
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February 14, 2017

Mexican 'DREAMer' nabbed in immigrant crackdown

Sue Horton

Kristina Cooke

Bill Rigby; Seattle

Dan Levine

Will Dunham

US-USA-TRUMP-IMMIGRATION-ARREST-EXCLUSIVE:Mexican 'DREAMer' nabbed in immigrant crackdown

2017-02-15 15:21:32 GMT+00:00

SAN FRANCISCO (Reuters) - U.S. immigration authorities have detained a 23-year-old Mexican man who was brought to the United States illegally as a child and given a work permit during the Obama administration, according to a lawsuit challenging the detention in Seattle federal court.

The man's lawyers say this could be the first time under U.S. President Donald Trump that a person covered by the Deferred Action for Childhood Arrivals, or DACA, has been taken into immigration custody. The program was established in 2012 by Democratic President Barack Obama to allow those brought to the country while young to attend school and work.

Ethan Dettmer, a partner in the law firm Gibson Dunn & Crutcher and one of the lawyers representing the man, Daniel Ramirez Medina, said he is not aware of any other DACA recipient who has been arrested.

"We are hoping this detention was a mistake," he added.

Ramirez was a "self-admitted gang member," said Rose Richeson, a spokeswoman for U.S. Immigration and Customs Enforcement (ICE), in a statement.

"ICE officers took Mr Ramirez into custody based on his admitted gang affiliation and risk to public safety."

Richeson declined to elaborate further on how ICE established the man was a member of a gang.

Dettmer said Ramirez "unequivocally denies" being in a gang.

"While in custody, he was repeatedly pressured by U.S. Immigration and Customs Enforcement agents to falsely admit affiliation," said Dettmer. "The statement issued tonight by U.S. Immigration and Customs Enforcement is not accurate."

Ramirez, who has no criminal record according to court papers filed in his case, was taken into custody last week at his father's home in Seattle by ICE officers.

The White House did not immediately respond to a request for comment.

In an interview with ABC News last month, Trump said his administration was devising a policy on how to deal with people covered by DACA, without indicating any concrete plans.

"They are here illegally. They shouldn't be very worried. I do have a big heart. We're going to take care of everybody. We're going to have a very strong border," Trump said at the time.

According to the lawsuit, which was filed by Harvard Law School Professor Laurence Tribe and other prominent attorneys, officers went to the home to arrest the man's father. Court documents do not make clear why the father was taken into custody.

Ramirez, now detained in Tacoma, Washington, was granted temporary permission to live and work in the United States under DACA in about 2014, according to the lawsuit, and his status was renewed in 2016. Reuters viewed a document attached to the lawsuit that appeared to confirm his DACA approval.

The program protects from deportation 750,000 people who were brought to the United States illegally as children, sometimes called "dreamers."

Trump, a Republican who took office on Jan. 20, has promised a crackdown on the estimated 11 million illegal immigrants in the United States, most of whom come from Mexico and other Latin American countries.

Although the reasons for Ramirez's arrest are in dispute, a move against DACA recipients would represent a significant broadening of immigration enforcement under Trump.

Reuters could not independently confirm whether other DACA recipients have been detained since Trump took office.

Ramirez filed a challenge to his detention in Seattle federal court on Monday, arguing that the government violated his constitutional rights because he had work authorization under the DACA program, his lawsuit said.

Ramirez was in custody and unavailable for comment.

A BROKEN PROMISE?

Another of Ramirez's lawyers, Mark Rosenbaum of the legal advocacy group Public Counsel, characterized the DACA program as a promise from the federal government's executive branch that DACA recipients would not be targeted for deportation and said he hoped that promise would not be broken.

Emily Langley, a spokeswoman for the U.S. attorney's office in Seattle, said the Justice Department is still reviewing the case.

Under 2014 guidance from the Obama administration, someone would be a deportation priority for gang activity only if they had been convicted of an offence in connection with the gang, not for gang affiliation alone, although there was room for discretion on the part of immigration officials. Reuters could not determine whether gang members who had not committed crimes were deported during Obama's tenure.

U.S. immigration officers last week arrested more than 680 people in the country illegally. Department of Homeland Security Secretary John Kelly said the operations, conducted in at least a dozen states, were routine and consistent with regular operations.

But immigrant advocacy groups and Democrats have expressed concern that the Trump administration will escalate immigration enforcement efforts in line with the president's tough stance toward illegal immigrants.

Ramirez in his lawsuit is seeking immediate release and an injunction forbidding the government from arresting him again. A hearing in the case has been scheduled for Friday.

According to the lawsuit, Ramirez was asleep at his father's home last Friday morning when ICE agents arrived and arrested the father. When they entered, they asked Ramirez if he was in the country legally, and Ramirez said he had a work permit, the lawsuit stated.

ICE agents took Ramirez to a processing center in Seattle and he again disclosed his DACA work permit, the lawsuit stated.

Ramirez was fingerprinted, booked and taken to a detention center in Tacoma where he remained on Tuesday, said Rosenbaum.

---- Index References ----

Company: USIIC

News Subject: (Crime (1CR87); Criminal Law (1CR79); Emerging Market Countries (1EM65); Government Litigation (1GO18); Immigration & Naturalization (1IM88); Legal (1LE33); Prisons (1PR87); Smuggling & Illegal Trade (1SM35); Social Issues (1SO05))

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Word Count: 910

NewsRoom

Exhibit C

FIRST 100 DAYS

Chaffetz: We want inspector general to investigate leaks; Attorney for arrested 'dreamer' speaks out

Published February 15, 2017

FoxNews.com



This is a rush transcript from "The First 100 Days," February 15, 2017. This copy may not be in its final form and may be updated.

MARTHA MACCALLUM, FOX NEWS HOST: Breaking tonight, President Trump comes to Michael Flynn's defense as Democrats delve into hyperbolic comparisons, calling it the worst crisis since Pearl Harbor or Watergate. We will drill down on the reality tonight with breaking news on the story just moments away.

From chairman of the House Oversight Committee, Jason Chaffetz, who has news to break here this evening.

Welcome to Day 27, everybody, of the "The First 100." I'm Martha MacCallum.

(BEGIN VIDEO CLIP)

DONALD TRUMP, PRESIDENT OF THE UNITED STATES: General Flynn is a wonderful man. I think he has been treated very, very unfairly by the media. As I call it, the fake media, in many cases. And I think it's really a sad thing that he was treated so badly.

(END VIDEO CLIP)

MACCALLUM: The defense comes as a new report in the Washington Free Beacon claims that Flynn's departure was the work of former President Obama loyalists, hoping to keep the Iran deal intact. A deal that Flynn detested.

PRESIDENT TRUMP'S FIRST 100 DAYS

Explore President Trump's schedule and decisions during the first days of his Presidency.

[Explore](#)

Meanwhile, a headline in The New York Times says the blame is on team Trump and their alleged repeated contacts with Russian intelligence.

So while all this was playing out today, Navy Vice Admiral Robert Harward is now the man who is expected to be the new national security advisor. He could report for duty, we are told, as early as Friday of this.

Congressman Jason Chaffetz is here exclusively tonight to announce a new investigation in the wake of this General Flynn story. We will get to that in just a moment.

But, first, we turn to chief intelligence correspondent Catherine Herridge.

Good evening, Catherine.

CATHERINE HERRIDGE, FOX NEWS CHIEF INTELLIGENCE CORRESPONDENT: Well, thank you, Martha. In the last 10 minutes, the Republican chairman of the Senate Judiciary Committee Chuck Grassley and ranking Democrat Senator Dianne Feinstein sending this letter to the attorney general and FBI director, seeking the content of the former national security advisor Mike Flynn's communication with Russian officials.

The Justice Department response an information about potential leaks of classified information as the president today blamed politics and the media for his national security advisor's exit.

(BEGIN VIDEO CLIP)

TRUMP: People are trying to cover up for a terrible loss that the Democrats had under Hillary Clinton. I think it's very, very unfair what has happened to General Flynn, the way he was treated and the documents and papers that were illegally -- I stress that -- illegally leaked.

(END VIDEO CLIP)

HERRIDGE: Also late today, the White House naming that former Navy SEAL and deputy commander for the Middle East John Harward as Flynn's replacement. The Trump administration clearly hoping the announcement will blunt further questions.

Meantime, a handful of names are circulating here in Washington tonight based on access to the highly restricted intelligence and leaker's motivation. Fox News is contacting former intelligence, an Obama administration official separately and directly.

Meantime, the Washington Free Beacon reports that former White House aide Ben Rhodes at the center of the Iran deal and the scandal over the 2012 Benghazi terrorist attack is the main driver of the leaks. There was no immediate comment from Rhodes tonight.

Writing on Twitter earlier this week, Rhodes said, "When campaign chairman and national security advisor both resigned over Russia ties, there is more. Paul Manafort and Flynn had nothing in common, except Russia and Trump."

A government source confirmed to Fox News that the FBI investigation does go beyond Flynn. And also includes contacts between the Trump campaign team and Russian officials leading up to the election. We are told at this point the FBI does not see evidence that any laws were broken, Martha.

MACCALLUM: That is one of the highlights there. Catherine, thank you very much.

HERRIDGE: You're welcome.

MACCALLUM: So my next guest has big news to share concerning former national security adviser General Michael Flynn, Utah Congressman Jason Chaffetz. He is chairman of the House Oversight Committee.

Congressman, good to have you here this evening.

JASON CHAFFETZ (R-UTAH), HOUSE OVERSIGHT & GOVERNMENT REFORM COMMITTEE: Thanks a lot.

MACCALLUM: A lot buzzing this evening about investigations. What can you tell us?

CHAFFETZ: Well, what we are going to do is send a letter tonight to the inspector general. Mishandling of classified information is something we have been keenly concerned about in a variety of settings. But not only the president communications, the national security advisor, again, it happened before, potentially happened before the president was actually sworn in. But you can't mishandle classified information. And so we want the inspector general to dive into that issue, as he can do with the Department of Justice and look under the hood and find the truth behind this.

MACCALLUM: All right. So what are you digging in for? You are trying to figure out whether or not General Flynn was translating any confidential information to the Russians prior to the election?

CHAFFETZ: Well, we asked the inspector general to also look at how does that information end up at the news media. You know, if you have classified information, sensitive information like that, there are policies and procedures for handling that.

The president has made some very serious allegations and concern in his description of the movement of this information. We want the inspector general, Michael Horowitz, who's widely regarded on both sides of the aisle, as a person of great integrity to get in there and go find this out.

Because no matter where you are in the political spectrum, you cannot have classified information migrating out into a non-classified setting. And so if there has been something that has been mishandled, we want them to look at it.

MACCALLUM: So just to be clear, you are looking at it on both sides of the equation, because a lot of people, you know, they see you and they equate you with the Hillary Clinton investigation.

You were very concerned that classified information may have passed from her hands, even dealings with Russia, we talked about at that time. So you would apply that same measure to General Flynn as well?

CHAFFETZ: Well, yes. And we also sent a separate letter concerned -- to the White House, concerned about what, you know, the visuals that we saw the president in Mar-a-Lago, again, was classified information, mishandled there.

I think the standard is still the same. You have a duty and an obligation, because by its very nature, if the classified information gets out there, it can harm somebody. It can kill somebody. This is serious stuff.

And there are some questions and concerns about how in Florida did they have the proper security protocols set up in place to deal with that classified information.

Same with Hillary Clinton, same with Donald Trump and same with, you know, those in the intelligence world or at the Department of Justice who get to see this information. They just can't handed out like candy and favors to those in the news media. They can't do that.

MACCALLUM: What about President Trump's assertion that he thinks that it's a criminal act in terms of the way that this information, and potentially someone like Ben Rhodes who we just mentioned in that story, he is somebody that you would

like to talk to? Do you expect to have hearings on this and bring in people -- former people from the Obama administration?

CHAFFETZ: Well, I think the fair way to do it, to make sure that you get to the truth in any impartial way is to make sure that the inspector general is leading out on it. They have tools. They have access. It does-- to give you an idea, all of federal government, there are 72 inspector's general. But they have 13,000 employees. The Department of Justice alone, they have roughly 500 people working at the Department Justice as the inspector general to get in there and go find the truth.

MACCALLUM: All right. So you want them to go first, and then I would assume you will likely follow up later.

CHAFFETZ: Yes, we're going to follow up -- yes.

MACCALLUM: Chairman Chaffetz, thank you very much. Good to have you here tonight.

CHAFFETZ: Thanks, Martha. Thank you.

MACCALLUM: So joining us now with more, Marc Thiessen, resident fellow at the American Enterprise Institute and Fox News contributor. Austan Goolsbee, former chief economist under President Obama. And Mara Liasson, NPR political correspondent and Fox News contributor.

Welcome to all of you. Good to have you here tonight.

(CROSSTALK)

Mara, let me start with you. What's your reaction to the inspector general call from Chairman Chaffetz?

MARA LIASSON, NPR NATIONAL POLITICAL CORRESPONDENT: Well, I think it's, you know, it is interesting. Congress is now going to investigate this. I just want to say, this is the first time on this show for me, I'm glad to be here with two people I really respect a lot -- Austan and Marc.

MACCALLUM: I don't know which.

(LAUGHTER)

(CROSSTALK)

LIASSON: Congress -- Congress is looking into this. And to some extent, Republicans are investigating this even though they didn't really want to be investigating their own president.

Chaffetz is looking into one aspect of it. There are a lot of investigations now that are happening on Capitol Hill. I think it's a good thing. I think there are so many questions about this whole story that don't make sense.

NPR has found out that so far, nobody has uncovered evidence of criminal wrongdoing, so, the question is why would Flynn lie to Mike Pence or mislead him about what he said? It doesn't really make a lot of sense. So as far as I'm concerned, more light that can be shed on this the better.

MACCALLUM: So Marc Thiessen, you know, obviously, the same measure that was applied to Hillary Clinton needs to be applied to this case, no?

MARC THIESSEN, FOX NEWS CONTRIBUTOR: Oh, absolutely. But, I mean, let's pull back and look at the bigger picture here besides just the Flynn story. I mean, in the last 25 days, think about the leaks that we've had coming out of

the White House and the executive branch in the last 25 days.

We've had classified transcripts of three conversations with three different world leaders -- the prime minister of Australia, president of Mexico, president of Russia, all leaked.

We've had more than a half-dozen draft executive orders, including some of them dealing with highly classified things like terrorist interrogations leaked to the press. We've learned that General Mattis was considering interdicting an Iranian ship. And now we learned today that they are considering sending troops to Syria. All classified information leaked to the press.

We've had the fact that one of General Flynn's deputies was denied of security clearance. Classified information leaked to the press. So you've got -- in addition to the Flynn information, you've got --

MACCALLUM: Absolutely.

THIESSEN: It's a sea of leaks, of classified information going to the press. And when people say we are worried about Donald Trump creating an authoritarian state, I'm worried about the authoritarian implication of a national, members of the national security apparatus going after people they don't like, whose policies they post by leaking classified information to the press. That puts them on the path of totalitarianism.

MACCALLUM: Yes. That's a suggestion, Austan that they are saying -- you know, some sort of shadowy entity out there that is trying to reveal these things, phone calls between the president and foreign leaders. If any member of the former Obama administration is involved in such a thing, do you want those feet held to the fire?

AUSTAN GOOLSBEY, ECONOMIC ADVISOR TO HILLARY CLINTON: OK, let's take a step back and just recognize the irony and absurdity of a lot of these charges.

First, the irony. For Donald Trump to be saying that his biggest objection is over the illegal leaks, when throughout the campaign, he is the guy that asked Russia to hack into emails and release them for Hillary Clinton and wanted to do nothing more than to discuss what was in all of the WikiLeaks documents. That's quite ironic.

THIESSEN: Which was not classified.

GOOLSBEY: Second, the fact that you are seeing leaks in every aspect of the White House, from national security to economic policy to personnel, suggests very strongly it's not one person who is doing the leaking. There is chaos taking place.

MACCALLUM: Which is precisely there's this call for inspector general to look at both sides of the equation. We need to know what information that's going back and forth from any, one of the Trump camp to Russia or anyone in the former Obama camp to the public. Both sides.

(CROSSTALK)

GOOLSBEY: And I applaud Congressman Chaffetz for investigating why they are having classified briefings in the dining hall at Mar-A-Lago.

MACCALLUM: If that happened.

GOOLSBEY: With people taking photographs on their phones of it. So they should investigate all of those. But Donald Trump has a more serious issue, which is when the smoke alarms are going off and there is smoke coming out of the doors, he has not been in Washington crises before.

He is taking a private-sector approach to crisis management, which is, circle the wagons, release nothing, don't give them any information. And the problem with that is if you don't release everything you have right now-- tax returns, who talked to who in the campaign with Russian intelligence officials, giving explanations, if you don't do that, it's just going to be drip, drip, just like Hillary's emails.

(CROSSTALK)

MACCALLUM: Right. And these stories are not -- they are never, ever going to stop unless there is some kind of clarity on both sides of this.

Mara, thank you so much. Austan, thank you. Marc Thiessen, great to see you all. See you soon.

So, coming up, the media coming to extreme lengths to compare General Flynn's ouster with some of this country's darkest moments in history. Is that fair? We're going to show you some of the reactions when Ben Shapiro and Richard Fowler join us in our media conflict segment.

Plus this, new details tonight about what lead immigration officials to arrest this man, a so-called dreamer who was allowed to stay in the United States under President Obama's DACA program. Exclusive new details on his more complete story, straight ahead.

And President Trump and Israeli Prime Minister Benjamin Netanyahu signaled a renewed relationship between the two countries after eight years of tense situations at the White House. We'll compare and contrast and show you some interesting moments from their news conference when we come back.

(BEGIN VIDEO CLIP)

TRUMP: Your perseverance in the face of hostility, your open democracy in the face of violence, and your success in the face of tall odds is truly inspirational.

(END VIDEO CLIP)

(COMMERCIAL BREAK)

MACCALLUM: New controversy tonight surrounding some of the dramatic media declarations in the wake of the General Flynn ouster.

A column in The New York Times put it on par with some of the most devastating attacks in our nation. Reading in part, quote, "We were attacked on December 7th, 1941. We were attacked on September 11th, 2001. And we were attacked on November 8th, 2016."

Dan Rather added this. "Watergate is the biggest political scandal of my lifetime until maybe now."

And finally this from Chuck Todd.

(BEGIN VIDEO CLIP)

CHUCK TODD, MEET THE PRESS: One of what is arguably the biggest presidential scandal involving a foreign government since Iran-Contra. Take a breath, hyperbole aside, folks, hunker down 'cause this is a class five political hurricane that's hitting Washington.

(END VIDEO CLIP)

MACCALLUM: A class five political hurricane.

Ben Shapiro, editor-in-chief of TheDailyWire.Com and Richard Fowler, nationally syndicated radio host and Fox News contributor.

Gentlemen, I hope you are hunkered down because this is big, big, big.

Ben, what do you make of all of that?

BEN SHAPIRO, EDITOR IN CHIEF, THEDAILYWIRE.COM: I mean, everybody sounds like a used car salesman trying to hawk an Old Chevy. Wow. The level of outrage over something that we don't know what happened yet.

I mean, I'm still confused as to what Flynn did that was supposed to be the worst thing that ever happened since the Biblical plagues. And between Thomas Friedman, who apparently has the brain power of an overused hair dryers and Dan Rather the godfather of modern media fake news, talking about how this is the greatest crises that we have ever seen in modern political history. Again, what happened?

It's very simple. Should we know what happened before we start to freak out and lose our minds?

MACCALLUM: Yes. I mean, it's an excellent question, Richard. When you dig into The New York Times piece today, which, you know, started off declaring that there had been so much contact between the Trump campaign and Russia that it was just, you know, sort of -- it's dramatic in the nature of it that they just had to dig and dig. And then they said but we dug and dug and so far we haven't found anything at all in terms of a nefarious connection. They may, but we don't know that yet.

RICHARD FOWLER, FOX NEWS CONTRIBUTOR: I mean, Martha, you are right. We don't know. We don't know that there is a crisis. I think the media is being a little rough on the Trumpster. But here's why. I think the reason why the media is being so rough on the Trumpster, it's everything to do with the fact that they've circled the wagon, that they haven't released any information.

A little bit of advice for the Donald, if he is watching tonight, right, the first thing you do is you release these transcripts to the intelligence committee. They will get it classified. Get it over with so you could move on.

He's going to be political capital --

MACCALLUM: I remember when that argument was used for Hillary Clinton.

FOWLER: Yes. And it's the right argument.

MACCALLUM: She never did that.

FOWLER: Just get it all out there, right? Because remember, he's going to need political capital to roll out infrastructure package, you need political capital to roll out his tax reforms. And right now, 90 percent of Republicans like him. But if this drip, drip, drip continues, Martha, it could create doom for the Trump administration just 30 days in -- 27 days in.

MACCALLUM: Put up these headlines that we have, because this story really broke a month ago. It was out there. You know, intercepted Russian communication, part of inquiry into Trump associates. And that story back then, a Washington Post story back then as well said that they didn't find anything nefarious. They didn't find any connection between these communications and the election.

They just found that there was phone call and there was contact that they were concerned about. You know, Sally Yates brought that to the attention of the White House, as well.

And then I want to remind everyone of this moment with President Obama a while back. Watch this.

(BEGIN VIDEO CLIP)

BARACK OBAMA, FORMER PRESIDENT OF THE UNITED STATES: This is my last election. And after my election, I have more flexibility. Yes?

UNIDENTIFIED MALE: I will transfer this information to Vladimir.

(END VIDEO CLIP)

MACCALLUM: I understand. So after the election, we might be able to talk about that issue that is bothering you. Is that essentially what we think General Flynn may have said then?

SHAPIRO: I think that's basically the idea. The only difference being that President Obama was in the middle of an election cycle and Flynn apparently said a lot of these things after the election cycle was over. It was like three weeks before he was appointed NSA.

Richard, you are giving a lot of advice to Donald Trump, and I agree with a lot of the advice that you are suggesting for the Trump administration. But some advice for the media. Guys, if you want people to take you seriously, you have to stop setting your hair on fire and running into plate glass windows before you even know what the hell is going on.

I mean, you are jumping on every rake in a 300-mile radius before you even let all the facts out. We can't take you seriously unless you lay out a series of facts that we can believe instead of blowing up headline -- the headline of The New York Times piece could easily have been "Investigation shows no causal links between Trump campaign and Russians."

(CROSSTALK)

MACCALLUM: And the truth is this investigation is -- it's an investigation that is ongoing. You know, when you step on a rake, it can hit you in the head.

SHAPIRO: Yes.

MACCALLUM: So once you've laid down these markers, that this is Watergate, this is Pearl Harbor, this 9/11, you better be careful what you put out there.

FOWLER: I think it has everything to do with, Martha, the fact that Donald Trump has sort of taken -- he made the media enemy, right. You go out there in your press conference and say, well, yes, Mike Flynn didn't resign, which really did happen. (INAUDIBLE), what really happened and say I blame this all on fake news.

What you begin to do is you put -- the media's best reaction is implicit. Here's all the news, here's all the facts as they are being leaked out. And I think Donald should be more concerned about leakers in the White House and throughout the government than he can be concerned about the media and quote, unquote "fake news."

MACCALLUM: All right. Good points all around. Thank you very much, gentleman. Good to see you tonight.

FOWLER: Good to see you, Martha.

MACCALLUM: So, also tonight, there is new fallout from the breaking news that President Trump's labor pick has bowed out.

Plus, a big story out of Seattle, where a so-called dreamer is under arrest. It is getting a ton of attention across the country that a dreamer has been taking down on this immigration situation. His lawyers say he is innocent. But we want you to know the facts that we are learning now in this case.

David Wohl and Francisco Hernandez up next on this.

(BEGIN VIDEO CLIP)

UNIDENTIFIED MALE: Contrary to what this Trump administration is saying, lots of folks who don't have records are being picked up. And we are saying that it's tearing families apart.

(END VIDEO CLIP)

(COMMERCIAL BREAK)

MACCALLUM: Tonight, first, under the new immigration policy of President Trump, the arrest of a so-called dreamer. Daniel Ramirez was apprehended Friday by Immigration and Customs Enforcement agents. Despite being approved twice under President Obama's DACA program, ICE officials claimed that he is a self-admitted gang member, representing a risk to the safety of the public. His attorneys argue Ramirez is being detained without justification, presenting no threat to the larger public. One of those attorneys, Ethan Dettmer, is here to go on the record on this for us tonight and tell his side of the story before attorneys David Wohl and Francisco Hernandez debate.

First, let's go to Trace Gallagher, West Coast newsroom, and get the background on all of this.

Trace?

TRACE GALLAGHER, FOX NEWS CORRESPONDENT: Hi, Martha.

23-year-old Daniel Ramirez was detained when immigration agents showed up to arrest his father for a deportation violation. Immigration and Customs Enforcement or ICE says Ramirez was arrested because he's an admitted gang member and when we press them on how they knew, he was in a gang, they said, quoting here, "There was additional evidence including photos and social media content that illustrate his gang affiliation beyond his self-admission of belonging to one."

Ramirez's lawyers tell a different story, saying, quote, "He was repeatedly pressured by Immigration and Customs Enforcement to falsely admit gang affiliation."

Under the Obama administration, guidance for DACA, or Deferred Action for Childhood Arrivals, being in a gang did not qualify for deportation. You had to commit a felony in connection with a gang. Although, even under President Obama, ICE agents were allowed to use discretion.

The White House has yet to comment on this case. But last month, President Trump told "ABC News" that his administration was devising a policy on how to deal with people covered by DACA.

The president went on to say they shouldn't worry because he has a big heart. DACA protects about 750,000 so called dreamers from deportation. The lawsuit on behalf of Daniel Ramirez was filed by Harvard law professor Laurence Tribe and other prominent attorney who claimed the 23-year-old's constitutional rights had been violated and that his arrests represents a significant broadening of immigration enforcement under the Trump administration.

The Department of Justice is reviewing the matter. A hearing is scheduled for this Friday.

Martha?

MACCALLUM: Thank you, Trace.

So here on a "Fox News" exclusive, Ethan Dettmer, attorney for the dreamer in ICE custody Daniel Ramirez.

Good to have you here tonight Mr. Dettmer. Thank you for being here.

ETHAN DETTMER, ATTORNEY FOR DANIEL RAMIREZ: Thank you. Thank you very much for having me. I appreciate it.

MACCALLUM: So your understanding, according to -- you just saw the statement that came in from ICE. And they say that he admitted being a gang member, while in custody. And then also when they looked into his social media and his computer, it was clear that he had a connection in a number of ways to a criminal gang.

DETTMER: Well, I will say a couple of things about Daniel. First, as I think you know and as the introduction said, in order to get DACA status, you have to give a lot of information, a lot of personal information to the government. You have to give your fingerprints to the government. And DHS runs a background check. And Daniel Ramirez went through that twice.

And both times, the government found, DHS found after all that work that he was not a threat to the public safety. That he was not a threat to national security. In the most recent such review, it was just less than a year ago and nothing has changed since then.

So they've looked at this twice already. The second thing I will say is we talked to the government just yesterday and ask them what evidence they had of his gang membership. And the government told us, they didn't know what information they had so all of this seems to be coming out now. We do look forward to seeing what they tell us tomorrow morning. We are supposed to get an explanation from them as why they are keeping him. We will respond to it as soon as we see what they have to say.

MARTHA MACCALLUM, THE FIRST 100 DAYS HOST: Some statement with some background from federal officials in the department saying that he had admitted. As you point out, I mean, you know it needs to be determined what the actual case is. It is interesting, when they went into the house, they took the father, who they were originally therefore, who was a felon who was been deported and returned, which is clearly under the category of this executive order. Now the executive order says they say they want to remove repeat criminals, people who have come back into the country, deported and come back in, and also members of gangs. That is the group that is included in this order. They didn't take his brother. It is possible that they didn't take his brother, because they didn't find the same information or he didn't admit to being in a gang, perhaps, your client did.

DETTMER: Well, I will tell you this. First of all, from all the reports we have had, none of those questions were asked of the time of the arrest. What we understand happened at the time of the arrest, was Daniel and his brother were at this apartment, they just happen to be there, and there was no warrant for either of them. Daniel said that he had a work authorization card, which is the card you get for having DACA status.

We can't explain. We don't know why it is that the ICE agents took Daniel and not his brother, because really, they were in the same circumstance. They are both Mexican-American young man, they both had DACA status. Neither one of them was the subject of this arrest warrant. And that kind of arbitrary treatment is exactly what the DACA promise was meant to avoid. I will say one more thing about this supposed admission to gang membership. Daniel Ramirez denies that completely and in fact, what he has been very clear about was after he was taken to the processing station, the ICE agents pressured him to admit to that. But he wouldn't do it because it is not true.

MACCALLUM: Ok. Mr. Dettmer, thank you very much for being here tonight and telling your clients side of the story to us. We hope this situation is resolved quickly in either way. So joining me right now, with their take on this David Wohl,

attorney and Trump Supporter and Francisco Hernandez an immigration attorney, welcome, good to have both of you here.

DAVID WOHL, TRUMP SUPPORTER: Hi Martha.

FRANCISCO HERNANDEZ, IMMIGRATION ATTORNEY: Thank you for having me.

MACCALLUM: David Wohl, you are a Trump supporter. I understand the motivations of the administration. If this person is not a member of this gang and they are wrong, I would imagine he'd be released quickly.

WOHL: Yes and they have got to have more than a simple admission, Martha. I have worked these cases for more than a quarter-century. Generally, the large law enforcement's agencies, like ICE they have large gang databases, they have experts that work in this, they have large databases that contain whether this gang member has attacked, whether he has gang affiliations, whether he is a juvenile convictions or adult conviction. This man doesn't have any at all convictions but may have juvenile convictions. We aren't sure. One of the major ways they catch them is the social media, especially MySpace. I remember gangs were so often nailed by posting things on MySpace, communicating with other gang members. They may not have known this when they first arrested them. They were it may have researched it after the fact. They got to have something more than a simple admission, because sometimes, these kids do this by way of braggadocio. Or just trying to associates themselves or be cool. My guess is they have a lot more. If they do, he is not going to be saved by DACA. He will be deported.

MACCALLUM: Yes, I mean there are two elements to this story in my mind. There is the individual, who everyone wants to be treated fairly. I know we all agree on that. Then, the larger picture, where there is almost, I think, and anticipation, maybe hope was too strong a word, that people will be brought in who don't deserve to be brought in. And that will reflect poorly and fulfill the wishes of people who are very much against the president. Mr. Hernandez, what do you think?

HERNANDEZ: No. It has nothing to do with it. It has everything to do with the constitution. It is called the due process clause of the constitution. What is amazing is that the extreme rights argue for the last four or five years that President Obama did not have the legal authority to execute that executive order. If he did not have the authority to execute the executive order, then, DACA is invalid. In order to give this young man, whether he is guilty or not, due process, it means the executive order was valid. That is the constitution.

MACCALLUM: No one is talking about having -- him and not having due process.

WOHL: That is due process. He is getting a court hearing in front of a federal judge to determine whether or not he is a documented gang member. If he is not, then, the judge will probably release him. I see no reason why not. But if he is determined to be a documented gang member, then, the fact that he is a dreamer will not save him. The judge will find the public safety priority and he will be gone.

HERNANDEZ: But the facts don't matter. Just the fact that he is getting to process it shows you that President Obama has the executive constitutional authority to execute the action for late arrivals.

MACCALLUM: That whole thing was about prosecutorial destruction given to a huge number of people at once. That is a completely different situation. The question of whether or not this person, who has been brought in, we'll get due process, which he appears to be getting at this point, if we find out that is not the case, we will make absolutely sure that we follow up on that, but in terms of that --

HERNANDEZ: President Obama had the authority.

WOHL: Donald Trump does not want innocent people being deported to fit under the DACA. He has made that clear.

HERNANDEZ: I have to agree with that.

MACCALLUM: All right. We will leave it there. Thank you very much, Mr. Wohl, Mr. Hernandez.

WOHL: Thank you Martha.

HERNANDEZ: Thank you Mr. Wohl.

MACCALLUM: Also tonight, the Trump administration delivers on another campaign promise, as our defense secretary travels overseas and delivers a very blunt message. Former White House Press Secretary Dana Perino joins me on why that was long overdue and what the reaction is in Europe. Plus, President Trump opening a fresh chapter in U.S.-Israeli relations after eight years of some pretty tense times with the gentleman on the left visited the White House. When we come back, State Attorney and friend of Jared Kushner, Ben Brafman here's to tell us what it means going forward.

(BEGIN VIDEO CLIP)

BENJAMIN NETANYAHU, ISRAELI PRIME MINISTER: Israel stands with you. And I stand. Mr. President, and rolling back militant Islam, we can see a historic opportunity.

(END VIDEO CLIP)

(COMMERCIAL BREAK)

MACCALLUM: President Trump posting Israeli Prime Minister Benjamin Netanyahu at the White House today. There is a picture with their wives, basically signaling a strong relationship moving forward. That is in stark contrast to the chilly scenes that we used to see. There is a handshake. Generally, there was some cold body language that went on between President Obama and Benjamin Netanyahu in the past, the judge report highlighting the dramatic shift in tone with this headline. "Bibi Smiles Again At The White House." So for more, let's go to White House Correspondent John Roberts, hi, John.

JOHN ROBERTS, CHIEF WHITE HOUSE CORRESPONDENT: Martha, good evening to you. Really interesting to watch the body language between the two, like old friends coming together as opposed to the adversarial relationship that there appeared to be during the Obama administration with Israel, but the big headline out today was that President Trump appeared to drop decades of U.S. policy dropping the insistence of a two-state solution to find a peace deal in the Middle East. The president did say that he was going to do everything possibly could to try to bring the two sides together. The White House position is that the president doesn't think he should impose the conditions for a peace deal upon Israel and the Palestinians. They really need to find the path to peace themselves. He did say though, that he would try to the best of his ability to facilitate some sort of peace. Listen here.

(BEGIN VIDEO CLIP)

TRUMP: I am looking at the two state and one state and I like the one, that that both parties like. I'm very happy with the one that both parties like. I can live with either one. I thought for a while the two state look like it may be the easier of the two. But honestly, if Bibi and if the Palestinians, if Israel and the Palestinians are happy, I am happy with the one they like the best.

(END VIDEO CLIP)

ROBERTS: You can tell the relationship between the two men that is going to be far different than the past eight years have been. In fact, Prime Minister Benjamin Netanyahu told the Israeli press after his meetings, "I have met many

presidents. I can say that we never had a better friend for Israel than Trump." But there was an extraordinary moment when the president lay down a marker to his old friend. Watch here.

(BEGIN VIDEO CLIP)

TRUMP: As far as settlements, I would like to see you hold back on settlements for a little bit. We'll work something out.

NETANYAHU: Doesn't sound too optimistic.

TRUMP: Good negotiator.

NETANYAHU: That is the art of the deal.

(END VIDEO CLIP)

ROBERTS: And just a quick headline here Martha, to wrap up our producers here, Gomez confirming just a minute ago, four candidates to potentially replace Andrew Puzder as a nominee for Labor Secretary, Catherine Templeton, Joseph Guzman, Peter Courson, and Alexander Acosta. The two Hispanics and a woman on that list, notable, but so far there are no Hispanics in this president's cabinet, which he got some criticism for a couple of weeks ago. So we will see where this goes, but those are the four names as we understand it now, Martha.

MACCALLUM: John, thank you so much. Here now with more, Ben Brafman, a prominent trial attorney and Israel advocate. Good to have you here tonight, Ben.

BEN BRAFMAN, ISRAEL ADVOCATE TRIAL ATTORNEY: Thank you.

MACCALLUM: What did you think of those exchanges at the White House today?

BRAFMAN: I think for those of us who support Israel and her advocates on behalf of Israel, it is like a breath of fresh air after eight years of a frosty relationship. This was encouraging. I think both President Trump and Prime Minister Netanyahu acquitted themselves very well today.

MACCALLUM: What did you think of the sort of dropping of the two state solution idea, Israeli State and the Palestinian State and perhaps opening the door to a one state solution? What would that look like?

BRAFMAN: I think what President Trump said is that he would allow the parties to agree how this should be resolved, rather than impose the United States will of the parties, which is what President Obama tried to do unsuccessfully for many years. Whether it is a one or two state solution or two state solutions the impediment to peace has always been the fact of the Palestinians refused to accept Israel's right to exist as a Jewish state. For decades, the violence and terrorist acts by the Palestinians have created a hostile environment that has made it impossible for Israel to offer peace.

MACCALLUM: We saw in the room, Jared Kushner, the son-in-law to President Trump, married to Ivanka trump, and the front row. He has been pointed out as someone that President Trump, he said himself, he said, you know, my son in law will solve the Middle East peace problems. Is he qualified to do that?

BRAFMAN: I think he is very qualified. I know Jared well. He is a brilliant young man, he is soft-spoken but brilliant. Sometimes that is two very good qualities when you want to make peace, to be soft-spoken but smart. He also has strong ties to Israel. He understands the conditions on the ground. I think he is going to be very creative, because he is a very creative young man. I don't think age has anything to do with this issue. Older people have tried for the past 50 years to resolve this and have failed miserably. I think Youngblood who have respected the issues on the ground, is a good - it is like breath of fresh air.

MACCALLUM: Yes. It is a great point. Thank you, Ben, good to see you tonight.

BRAFMAN: Good to see you, thank you.

MACCALLUM: So tonight, the defense secretary delivered a very stern message to our allies about their NATO commitments when he was in Brussels. General Mattis tells NATO they did to pay their fair share or be prepared to see us take a step back. How does that work? Dana Perino on what it all means when we come back.

(COMMERCIAL BREAK)

(BEGIN VIDEO CLIP)

TRUMP: I think NATO is obsolete. Dado was done at a time you had the Soviet Union, I'm not saying Russia is not a threat, but we have other threats. We have the threat of terrorism. And NATO doesn't discuss terrorism. NATO is not meant for terrorism. NATO doesn't have the right countries and it's for terrorism."

(END VIDEO CLIP)

MACCALLUM: That was candidate Donald Trump speaking out, a stark position with regard to NATO. Now less than one year later, his Defense Secretary General James Mattis face to face in Brussels with the European allies, the forceful ultimatum on military obligations of all those countries.

(BEGIN VIDEO CLIP)

JAMES MATTIS, DEFENSE SECRETARY GENERAL: It is a fair demand that all who benefit from the best defense in the world carry their proportionate share of the necessary cost to defend freedom.

(END VIDEO CLIP)

MACCALLUM: The warning surprisingly well received by NATO secretary- general. Who acknowledged unfair spending burden. Watch this.

(BEGIN VIDEO CLIP)

JENS STOLTENBERG, SECRETARY GENERAL OF NATO: Conveying a very firm message to us. That message is about the importance of fairer burden sharing. It reflects a political reality in the United States. And I think that will be appreciated by the ministers.

(END VIDEO CLIP)

MACCALLUM: Big crowd of the news conference. I am joined here by Dana Perino, co-host of The Five former White House Press Secretary under George W. Bush, Dana good to see you tonight. Thanks for being here.

DANA PERINO, FORMER WHITE HOUSE PRESS SECRETARY: Thank for having me.

MACCALLUM: It just really strikes me, would you look at both of those, when he said NATO was obsolete, the hair was on fire. Now, General Mattis goes there with that strong message, and the Germans also side, it makes sense, we did say we were going to pay this amount, we should.

PERINO: Also, one of the exceptions that people took to the comment that President Trump as a candidate, they hadn't thought terrorism. All of the NATO countries did send troops to fight terrorism especially in Afghanistan, who fought bravely. However, three things happen. Our politics changed here in America. The politics of those countries are

changing quite dramatically and elections are happening. And a threat has increased. In all of those countries, the threat of Radical Islamic Terrorism has increased and so as the Russian threat. The other thing is I think the militaries of all of those countries very much would have liked more resources. Now, because of these political changes in the fact that you have a president here in the United States who is saying, I am serious this time. They were like, ok, fine, we will meet our obligations. I think it was a win-win for everybody.

MACCALLUM: They may be relieved that I have somebody giving them the backing they need to bulk up their military, especially when they see Russia barking at their door.

PERINO: Absolutely.

MACCALLUM: Also, ICE is creating problems. It is interesting. There is this battle over hardware and software, cyber, drones, things that are needed more necessarily for the fight against Islamic terrorism. And when you have Putin adding tanks, adding planes, they got to do that, too right.

PERINO: Not only that, the cyber security threat from Russia, as we know very well. Yes there are multiple threats all across the board. And I think NATO is very much not obsolete. I think Donald Trump maybe had said that in a way that pushed them. I think the real star of the day in terms of this story is General Mattis. He is forceful. He also understands because he was a general working with these other countries in Afghanistan, Iraq. He knows them very well. He knows what is needed. And he knows to ask them for things that they can do, part of the problem, especially in Germany, these rules of engagement for German soldiers were so different from everybody else. You can't ask them to change that.

Could you ask them for more money? Absolutely, so we got what we wanted.

MACCALLUM: All right before I let you go, I got 20 seconds, big communication message for the Trump folks at the White House, having been there yourself.

PERINO: Today?

MACCALLUM: Yes.

PERINO: It is ok to say "I don't know," because if your timeline is in fact somebody else's timeline, you have to go over it and over. Just tap the brakes and wait a minute. That I make it under time?

MACCALLUM: Absolutely. Thanks, Dana. Good to see you as always. So straight ahead here tonight, President Trump's pick for labor secretary, surprisingly dropping out just hours ago. Ed Henry here with breaking news on that, when we come back.

(COMMERCIAL BREAK)

MACCALLUM: Breaking tonight, Andrew Puzder, President Trump's pick for labor secretary is no more. He has officially withdrawn his nomination after a lot of buzz this afternoon. Breaking news on possible replacements, here is Chief national Correspondent Ed Henry, Hi Ed.

HENRY: Martha, good to see you, not a surprising, when you remember Senate Democrat leader Chuck Schumer had put together a hit list of about half a dozen cabinet nominees he wanted to pick off. This is only the first. And it was not because the Democrats that Andy Puzder stepped aside. It is Republicans of course, who have the majority and could have pushed him through. Sources tell us tonight, Senator Mitch McConnell told the White House they had a numbers problem, about a dozen Republicans expressing heartburn over the CEO of Carl's Jr. at Hardee's. There were reports that he hired an illegal immigrant and that he paid some employees in ACT, then Democrats piled on with allegations that he physically abused his ex-wife.

Allegations, by the way, that have been recanted. Before pundits get carried away with this being another sign of chaos for the Trump White House, you can see right there, every recent administration has had multiple cabinet nominees withdrawn, the Obama administration, three, the second Bush administration, two. Clinton, five, George H.W. Bush, one, by the way, John Roberts just reported, as you noted four possible replacements, two of them Hispanics. They have gotten criticism for not having Hispanics in the cabinet, Martha.

MACCALLUM: Ed, thank you. Thanks a lot and before we leave you tonight, an inspirational quote to leave you with and to keep us on track, tweeted by viewer Lisa Daniels, by Mark Twain, "always do right, this will gratify some people and astonish the rest." The O'Reilly is up next.

"The O'Reilly Factor" is on tonight.

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Exhibit D

CBS/AP February 14, 2017, 10:55 PM

"DREAMer" protected under Obama detained in Seattle area



Protesters outside facility in Tacoma, Washington where Daniel Ramirez Medina was being held on February 14, 2017 **KIRO-TV**

58 Comment Share Tweet Stumble Email

Last Updated Feb 15, 2017 4:34 AM EST

SEATTLE -- A man who was brought to the U.S. illegally as a child but was **protected from deportation** by the Obama administration has been taken into custody in the Seattle area in what could be the first case of its kind in the country.

Daniel Ramirez Medina, 23, was detained Friday by U.S. Immigration and Customs Enforcement agents who went to the suburban Seattle home, in Tacoma, to arrest the man's father. ICE spokeswoman Rose Richeson said in a statement that agents were there targeting a "prior-deported felon."

Medina is suing the federal government over his arrest and detention.

Ramirez was brought to the U.S. from Mexico when he was 7 and has a work permit under **Obama's Deferred Action for Childhood Arrivals program**. He also has a job, a young son and no criminal record, Northwest Immigrants Rights Project Legal Director Matt Adams said. Ramirez is being held in Tacoma.

Immigration officials said they took Daniel Ramirez Medina into custody “based on his admitted gang affiliation and risk to public safety,” **CBS affiliate KIRO reports.**

“Mr. Ramirez -- a self-admitted gang member -- was encountered at a residence in Des Moines, Washington, during an operation targeting a prior-deported felon,” U.S. Immigration and Customs Enforcement spokeswoman Rose Richeson said in a statement.

An ICE official told CBS News that there is corroborating evidence to support Ramirez is in a gang.

Richeson said Ramirez told agents he was a gang member and based on those statements and being a “risk to public safety,” he was taken into custody.



But Mark Rosenbaum, one of Ramirez’s lawyers, responded later Tuesday that Ramirez “unequivocally denies being in a gang” and that the statement from Richeson is inaccurate.

“While in custody, he was repeatedly pressured by U.S. Immigration and Customs Enforcement agents to falsely admit affiliation,” Rosenbaum said.

Ramirez’s only court record in Washington is a speeding ticket from 2016 in which a State Patrol trooper said Ramirez went 5 miles over the speed limit in Thurston

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President Trump defends arrests of immigrants

County, KIRO reports. He paid the \$150 fine and the case was deferred, according to court records.

Adams said Ramirez is the first person he knows of with DACA status who has been detained.

"This appears to be a complete one-off. We certainly haven't seen this with our other hundreds of clients who have DACA status as well."

An ICE official told CBS News that while it is not common, DACA recipients have previously been arrested during enforcement operations in the past. Those detained, by their criminal convictions or affiliation, fall into ICE enforcement priorities including threats to national security or public safety, the official said.

Attorneys for Ramirez challenged his detention in federal court in Seattle Monday, arguing the arrest violates his constitutional rights to live and work in this country without the fear of arrest and deportation so long as he satisfies DACA requirements.

"Trust in our government depends upon the Executive Branch keeping its word," Ramirez attorney Mark Rosenbaum, director of Public Counsel's Opportunity Under Law Project, said in a statement. "Bait and switch sullies the integrity of our nation's core values."

Emily Langley, a spokeswoman for the US attorney's office in Seattle, said Tuesday afternoon it would be premature to comment on the lawsuit. A hearing in the case has been scheduled for Friday in federal court in Seattle.

Recent sweeps by U.S. immigration agents across multiple states have netted some immigrants with no criminal records, a departure from enforcement actions in the last decade. Under the Obama administration, agents focused more narrowly on individuals who posed a security or public safety threat.

President Trump made illegal immigration a cornerstone of his campaign, saying he will build a wall along the Mexican border and deport millions of people, although actual plans have yet to be revealed. He has said he wants to focus on people who have committed crimes.

During an interview with Time magazine late last year, Mr. Trump expressed sympathy for the more than 740,000 people in the DACA program, which started in 2012.

"We're going to work something out that's going to make people happy and proud," he told the magazine.

Mr. Trump can withdraw the promised protection right away through an "operational memo" because Obama implemented it through one, William Stock, president of the American Immigration Lawyers Association, said previously.

Adams said he believes Ramirez was apprehended by mistake.

"I don't think this has to do with any change in policy; I just think it was an enforcement procedure gone wrong," Adams said. "Hopeful they're going to come to their senses."

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Exhibit E

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DHS Statement on Arrest of Alien Gang Member in Washington

Release Date: February 15, 2017

For Immediate Release
Office of the Press Secretary
Contact: 202-282-8010

WASHINGTON - Under Department of Homeland Security (DHS) policy, aliens granted deferred action from deportation who are subsequently found to pose a threat to national security or public safety may have their deferred action terminated at any time and DHS may seek their removal from the United States. This includes those who have been arrested or convicted of certain crimes, or those who are associated with criminal gangs. Since the start of the Deferred Action for Childhood Arrivals program in 2012, approximately 1,500 recipients have had their deferred action terminated due to a criminal conviction, gang affiliation, or a criminal conviction related to gang affiliation.

On February 10, Daniel Ramirez-Medina, a gang member, was encountered at a residence in Des Moines, Washington, during an operation targeting a prior-deported felon. He was arrested by U.S. Immigration and Customs Enforcement (ICE) and was transferred to the Northwest Detention Center to await the

outcome of removal proceedings before an immigration judge.

This case illustrates the work ICE fugitive operations teams perform every day across the country to remove public safety threats from our communities when they encounter them. ICE officers, along with their law enforcement partners, have and will continue to enforce our nation's laws to protect public safety, national security, and to preserve the integrity of our immigration system.

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Topics: [Immigration Enforcement \(/topics/immigration-enforcement\)](#)

Keywords: [immigration enforcement \(/keywords/immigration-enforcement\)](#)

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